

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LUIS LAZZARINI, on behalf of himself
and others similarly situated,

Plaintiff,

MEMORANDUM & ORDER

08-CV-2264 (JS) (WDW)

-against-

REINWALD BROTHERS BAKERY CORP.,

Defendant.

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APPEARANCES:

For Plaintiff: Robert L. Kraselnik, Esq.
40 Wall Street, 28th Floor
New York, NY 10005

For Defendant: Jeffery A. Meyer, Esq.
Kaufman, Schneider & Bianco LLP
135 Crossways Park Drive, Suite 201
Woodbury, NY 11797

SEYBERT, District Judge:

The Court is in receipt of a proposed settlement filed by Plaintiff Luis Lazzarini, and Defendant, Reinwald Brothers Bakery Corporation, attempting to settle the parties dispute under the Fair Labor Standard Act ("FLSA").

The FLSA expressly "prohibits settlement of any right to unpaid minimum wage or unpaid overtime claims by employees . . . without the supervision of the Secretary of Labor." Simel v. JP Morgan Chase, No. 05-CV-9750, 2007 U.S. Dist. LEXIS 18693, at *11 (S.D.N.Y. March 19, 2007); see also 29 U.S.C. § 216(c). In the absence of supervision by the Secretary of Labor, federal courts have allowed employees to waive an FLSA claim for unpaid wages or overtime pursuant to a judicially-supervised stipulated settlement.


See D.A. Schulte, Inc. v. Gangi, 328 U.S. 108, 113 n.8, 66 S. Ct. 925, 90 L. Ed. 1114 (1946); Sampaio v. Boulder Rock Creek Developers, Inc., No. 07-CV-153, 2007 U.S. Dist. LEXIS 66013, at *3 (E.D.N.Y. Sept. 6, 2007).

In considering an FLSA settlement submitted for approval, courts must consider whether the agreement reflects a "reasonable compromise of disputed issues [rather] than a mere waiver of statutory rights brought about by an employer's overreaching." Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1354 (11th Cir. 1982); see also Sampaio, 2007 U.S. Dist. LEXIS 66013 (reviewing FLSA settlement agreement to ensure reasonableness).

Based upon the Court's review of the Settlement and the Affidavit submitted in support of the settlement, the Court finds that the settlement agreement represents a fair and reasonable resolution of a disputed issue.

The Clerk of the Court is directed to mark this matter CLOSED.

SO ORDERED.

 **JOANNA SEYBERT**
Joanna Seybert, U.S. D.J.

Dated: Central Islip, New York
August, 7 2009